

ARTICLES

OF

HIGH MISDEMEANOUR

Humbly Offer'd and Presented to the Consideration of

His Sacred Majesty,

And the Right Honourable the

LORDS,

And others of His MAJESTIES most
Honourable PRIVY COUNCIL,

AGAINST

Sir William Scroggs, K^t

Lord Chief Justice of the *Kings-Bench*,

B^y

Dr. Titus Oates, and Mr. William Bedlow.

I.

That the said Lord Chief Justice, contrary to his Oath, the Duty of his place, and in contempt of the King, his Crown and Dignity, did set at liberty several persons accused upon Oath before him of High Treason, without their being Tryed, or otherwise Legally acquitted, as namely, the Lord *Brudenel*, &c.

II. That

II.

That at the Tryal of Sir *George Wakeman* and others, in the Sessions-House in the *Old Baily*, for High Treason, the said Lord Chief Justice (according to the Dignity of his place) managing the said Tryal, did Brow-beat and curb Doctor *Titus Oates* and Mr. *William Bedlow*, two of the principal Witnesses for the King in that Case, and did encourage the Jury Impannelled and Sworn to trye the said Malefactors, against the said Witnesses, by his publick speaking slightly and abusively of them and their Evidence, and in the misrepeating and omitting most material parts of their Evidence; whereby the said parties indicted, were by the said Jury acquitted of the Fact charged then against them, and fully proved by the said Witnesses

III.

That the said Lord Chief Justice, after the said Tryal of the said Sir *George Wakeman* and others, for High Treason as aforesaid, in the further abuse of the said Doctor *Titus Oates* and Mr. *William Bedlow*, and in their great disparagement, speaking of them, (said) That before the Tryal of Sir *George Wakeman* (meaning the aforesaid Tryal) the Witnesses, (meaning the said Doctor *Titus Oates* and Mr. *William Bedlow*) were to be believed; But that at and after the said Tryal they were not to be believed by him, nor should not be believed by him; or to that very Effect.

IV.

That the said Lord Chief Justice, by colour of his Office hath taken upon him the power to Oppress, by Imprisoning his Majesties Loyal Subjects namely, *Henry Care*, for the writing and causing to be printed divers Single-sheet Books in English, called *The Pacquet of Advice from Rome*, for the information and discovering of the Idolatries, Errours and Impieties of the *Romish Church*, to his Majesties Loyal and Obedient Protestant Subjects, (in this Juncture of Affairs very usefull) although the said Lord Chief Justice neither did nor could alledge or charge the said *Care* with any thing contained in the said Book, that was any way Criminal, or derogatory to his Majesty, his Laws, Crown and Dignity, and refused to take very good Bail for him, though offered, and afterwards less Bail taken for him upon his *Habeas Corpus* in Court, but by the said Lord Chief Justice his means he was continued bound all the Term, and to his Good Behaviour, and at the end thereof untill the next Term, although no particular Crime was or could be proved against him, or laid to his charge.

V.

That to the great Oppression of His Majesties Loyal Subjects, he the said Lord Chief Justice, contrary to Law, and manifest breach of his Oath, hath without any reasonable cause imprisoned a Feme Covert, and also divers other His Majesties said Subjects, and refused to take Bail though tendred, and the matterailable, as in the Case of Mrs. *Jane Curtis*, and Mr. *Francis Smith*, &c.

VI. That

VI.

That the said Lord Chief Justice is very much addicted to Swearing and Cursing in his common Discourse, and to Drink to Excess, to the great disparagement of the Dignity and Gravity of his said place: He did in his common Discourse at Dinner, at a Gentleman's house of Quality, publickly and openly use and utter many Oaths and Curses, and there drank to Excess.

VII.

That *Charles Price* being accused upon Oath before him the said Lord Chief Justice, to be a *Popish Priest* and *Jesuite*, and imprisoned for the same, and also divers other persons accused upon Oath for High Treason, he the said Lord Chief Justice upon Bail delivered, without consulting His Majesties Council or his Witnesses, and against their consents, divers of which said persons have not since appeared, but have forfeited their Recognizances, and the persons not to be found.

VIII.

That the said Lord Chief Justice, to the great discouragement of His Majesties Loyal Protestant Subjects, and to the manifest encouragement of the *Roman Catholick* Subjects, when Informations have been duely and legally given to him, of the Abode or Person of any *Popish Priest* or *Jesuite*, he hath in a slighting and scornful manner refused the same, and bid the Informer go to Sir *William Waller* who busied himself in such matters mainly.

IX.

That at the Tryal of *Knox* and *Lane* at the Bar of the *King's Bench* Court, for their Misdemeanour, in endeavouring to take away the Credit of Doctor *Titus Oates*, and Mr. *William Bedlow*, two of the principal Witnesses for His Majesty, in the proving of the Conspiracy and Conspirators against His Majesty's Life, the Government of the Kingdoms of *England*, *Scotland*, and *Ireland*, the Destruction of the Protestants and Protestant Religion, and introducing and settling of Popery there; although the Evidence was so full and clear against them, that the Jury found them Guilty without going from the Bar; yet the said Lord Chief Justice in further disparagement and disparaging of the Evidence of the said Doctor *Titus Oates*, and Mr. *William Bedlow*, would not, nor did not give any Charge to the said Jury therein, but rose up suddenly after the Evidence closed by the Council, and left the said Court abruptly, before the said Jury had given in the same.

X.

That the said Lord Chief Justice knowing that one *William Osborn* was in the Conspiracy and contrivance with the said *Knox* and *Lane* (in the last Article mentioned) to take away the Credit of the said Doctor *Titus Oates*

Oates and Mr. *William Bedlow* ; And knowing the said Doctor *Titus Oates* and Mr. *William Bedlow* to be material Witnesses for his Majesty in proving of the Conspiracy and Conspirators in the said last Article mentioned ; And had been so against several of the said Conspirators that had been tryed, and were to be so, against several others of the said Conspirators that were impeached or accused for the said high Treason, and were to be tryed for the same ; and knowing the said *William Osborn* had been detected before the Lords in Parliament assembled, for his said Conspiracy and contrivance with the said *Knox* and *Lane*, and that by his own Oath thereupon denying the fact in their said Conspiracy and Contrivance to be true ; Yet out of his Malice to the said Doctor *Titus Oates* and Mr. *William Bedlow*, and in as much as in him lay, to endeavour the disparagement if not the suppressing of the further discovery of that hellish and damnable Plot, he the said Lord Chief Justice without the knowledge, consent or approbation of his Majesty or any of his Learned Council in the Law, or the said Doctor *Titus Oates* or Mr. *William Bedlow*, did voluntarily give the said *William Osborn* liberty to make an Affidavit before him upon Oath of the truth of the said Fact he had before as aforesaid denied upon his Oath, with intent that the same might be made use of against the said Doctor *Titus Oates* and Mr. *William Bedlow*, to their disparagement, and the apparent prejudice of His Majesty against the said Conspirators in the said High Treason.

That the said Lord Chief Justice to manifest his slighting Opinion of the Evidence of the said Doctor *Titus Oates* and Mr. *Bedlow*, in the presence of his Sacred Majesty and the Right Honourable the Lords and others of his Majesties most Honourable Privy Council, did dare to say, That he had thought Doctor *Titus Oates* and Mr. *William Bedlow* alwayes had an Accusation ready against any Body.

That at the last Assize holden at *Monmouth*, the said Lord Chief Justice in the presence of several Justices of the Peace for the said County, did say to Mr. *William Bedlow*, that he did believe in his Conscience that *Richard Langhorn* whom he condemned, died wrongfully, to the great disparagement of His Majesties Crown and Dignity, the Justice of the Court, the Jury and Evidence.

That the said Lord Chief Justice, contrary to the Dignity of his place, did make Merchandize of the Tryals of certain Priests to be tryed in *Staffordshire*, and took Twenty Guinnies in Earnest, and then sold the said Tryals to other Persons, refusing to return the said Twenty Guinnies to those from whom he received them : And furthermore, before the Tryal of Sr. *George Wakeman*, he the said Lord Chief Justice did bargain with two Book-sellers for one hundred and fifty Guinnies for them to print the Tryals, and in case they would not lay down the Money before he went into the Court, he would not go into the Court, but would go into the Country : And if the said Tryal by reason of its length could not be finished in one day, he would have one hundred Guinnies more ; or words to that very Effect.

THE
ANSWER
OF
S^r William Scroggs K^t
LORD CHIEF JUSTICE of the *Kings-bench*,
TO THE
ARTICLES
OF
M^r. TITUS OATES
AND
M^r. WILLIAM BEDLOE.

I. **T**O the first he saith, That the Lord *Brudnell* was Bailed by the Court of the *Kings-bench* in open Court, and afterwards by the Court discharged; with this, That *William Bedloe* did importune the Lord *Westmoreland* to get the said Lord *Brudnell* discharged, for that he had nothing to say against him, as he said to the Lord *Westmoreland*.

See the
Rules of
Court.

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2. To the second he saith, That as to his omitting or misrepeating the Evidence at Sir George Wakeman's Tryal, it is a reflection upon the whole Court, to suppose it true, and that they should let it pass. But he saith, that Mr. Oates being askt at that Tryal why he did not charge Sir George Wakeman at the Council-Table with a Letter under his own hand concerning the Death of the King, he answered, He did not know but that he did: To which it was replied, It is plain he did not; for then the Council would have committed him. To which Mr. Oates replied, That that Council would commit no body for the Plot; which might be the cause of the misdemeanour of frowning in the Articles mentioned.

3. To the third he saith, He doth not remember that ever he express'd much concerning their Credit before their Tryal; but that there were some passages at that Tryal which gave him great cause of doubt; which he hopes he might do, without making it an Article of Misdemeanour.

4. & 5. To the fourth and fifth he saith, That the Persons in the Articles mentioned, were committed by him for publishing several Libellous and Scandalous Papers, which were proved against them upon Oath; which Commitments, even of a *Feme Covert* also, notwithstanding Mr. Oates and Mr. Bedloe's Skill, were according to Law: though there is no Law for these persons to call me to account for Judicial acts done upon other men.

6. To the sixth, which is an insolent Scandal, he referreth himself to the testimony of that Gentleman of Quality, whoever he be.

7. To the seventh he saith, That the persons in this Article were Bayled and discharged by the Court, where the Attorney-General was first called; but indeed Mr. Oates and Mr. Bedloe's Consent was not askt.

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8. To the eighth, he saith, He conceives himself not obliged to do all the business that Justices of the Peace may do; and though without an offence he might have given such an answer as is mentioned, yet he did not, but a servant of his did.

9. To the ninth he saith, That when the Cause was tryed, he told the Jury the matter was plain, and so did the rest of the Court; upon which he went away, without any Complement to Mr. Oates, to try Causes in London.

10. To the tenth he saith, that *Osbourne* made onely two Affidavits before him, the substance of one was, That one *Bowring* a servant to Mr. Oates had said, that he had heard Mr. Oates say, That the Kingdom of *England* would never flourish, until it became Elective, and the Kings chosen by the People. The other Affidavit was, when he was sent to him by an Order of Council to be Examined, wherein amongst other things he Swears, That though at the Tryal of *Knox* and *Lane*, it was asked where *Osborne* was, and Mr. Oates his Counsel answered that he was fled, yet *Osborne* swears, that he at that time was at his Fathers House in the Country, and that Mr. Oates knew it; That he took his leave of him the day before he went, and told whither he went, and saw a Letter wrote by Mr. Oates to his Father to send for him; notwithstanding it was carred at the Tryal as if he had been fled no man knew whither; so that the Affidavit which the Article chargeth me for permitting to be made, was not Sworn before me.

11. He saith, it is more to be wondred how Mr. Oates should dare to Charge that as an Article of Misdeameanour, which was said in the Kings presence, and yet repeated false too.

12. That at *Monmouth* Assizes he did tell Mr. *Bedloe*, that
he

he was more unsatisfied about Mr. *Langhorne's* Tryal than all the rest ; and the rather , for that he was credibly informed since the Tryal , that Mr. *Langhorne's* Study was so situated, that he that walked in his Chamber could not see Mr. *Langhorne* write in his Study : which was Mr. *Bedloe's* Evidence.

13. He saith , the matter complained of is a meer Contract with other Men , of which he thinks himself not bound to give Mr. *Oates* and Mr. *Bedloe* any other Account, but that by the taking of Twenty Guinies he lost forty ; and that his backwardness to go into Court to *Wakemans* Tryal , makes it look as if he had not had Ten thousand pound to favour *Wakeman* in this Tryal.

If these Articles shall appear to your Majesty to be Frivolous, or Scandalous, or not true : I humbly pray your Majesties just Resentment thereon, in HONOUR TO YOUR COURTS AND GOVERNMENT.

And that such an unknown Attempt may not go unpunished ; That the Promoters may be left to be proceeded against according to Law.

The Articles of Dr. *Titus Oates* and Mr. *William Bedloe*, against the Lord Chief Justice *Scroggs*, were heard this 21th of January, 1679. before the King and Council ; and upon the hearing of both sides, Dr. *Oates* and Captain *Bedloe* are left to be proceeded against according to Law.

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